

VIA e-FILE

PATENT APPLICATION
Docket No. 13768.495

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
	Joel K. Grossman et al.)
)
Serial No.:	10/780,496) Art Unit
) 2162
Filed:	February 17, 2004)
)
Conf. No.:	3351)
)
For:	SIMPLIFYING APPLICATION ACCESS TO SCHEMATIZED CONTACT DATA)
)
Examiner:	Robert Stevens)
)
Customer No.:	47973)

DECLARATION OF COLBY C. NUTTALL

I, Colby C. Nuttall, declarant herein, hereby state the following:

1. I am an attorney with the law firm of Workman Nydegger, which had responsibility for filing and prosecuting the above-identified patent application (the "Application") from the filing date of February 17, 2004 until the present.

2. I make this declaration based upon my own personal knowledge, and based upon records maintained by Workman Nydegger in the ordinary course of business, to which I have access in the course of fulfilling my duties for the firm and its clients.

3. On August 27, 2010, an internal audit of our files was performed for Microsoft Corporation, whom is the Assignee of the Application. In the course of that audit, it was discovered that a Notice of Abandonment had been received, that the corresponding Microsoft

records indicated that no abandonment had been requested or intended, and that the Application had not been revived.

4. After identification of abandoned status of the Application in the internal audit of our files, I investigated this matter and concluded that: (i) a Final Office Action was mailed by the USPTO on February 7, 2008; (ii) a response to the Final Office Action was filed by myself on August 7, 2008; (iii) the response to the Final Office Action was filed with an indication that the response was filed “WITH REQUEST FOR CONTINUED EXAMINATION (RCE)” and that the Commissioner was authorized to charge payment of “[a]ny patent application processing fees under 37 C.F.R. § 1.17” to the identified Deposit Account; (iv) that an Advisory Action was mailed on August 18, 2008 indicated that the amendment was not entered; and (v) a Notice of Abandonment was mailed by the USPTO on October 20, 2008.

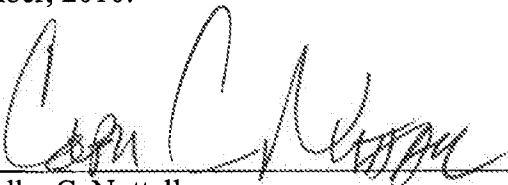
5. In response to the Notice of Abandonment, a Request to Reconsider the Holding of Abandonment (the “Request”) as permitted under M.P.E.P. § 711.03 and 37 C.F.R. § 1.137(e) was prepared on or about February 26, 2009. As the basis of the Request, the facts surrounding the Response filed of August 7, 2008 were identified, including the identification of the response being filed with an RCE and an authorization to charge all fees under 37 C.F.R. §1.17. The Request was prepared by me, and with the assistance of my secretary at the time, which secretary is no longer at Workman Nydegger, and it was believed that the Request had also been filed on or around February 26, 2009.

6. During my investigation, a review of the USPTO records indicated that the Request was not present in the file wrapper for the Application. I am unaware of the reason the earlier prepared Request not either not recorded in the file wrapper or was not received by the USPTO.

7. I believe that the entire delay in filing the accompanying Petition to Revive for Unintentional Abandonment was unintentional, from the time of the actual abandonment until the present. Indeed, no indication is found in the Workman Nydegger or Microsoft internal docketing systems to indicate any intent that the Application be abandoned. Further, upon receipt of the Notice of Abandonment, steps were to prepare the Request, and I was unaware that the Request had not been recorded by the USPTO. Additionally, upon learning that the USPTO continued to identify the Application status as Abandoned, immediate steps were taken on my part to investigate the facts surrounding abandonment of the Application, and to prepare this declaration and the attached Petition, and to file the Petition with this Declaration.

8. I declare under penalty of perjury under the laws of the United States of America that to the best of my knowledge the contents of the foregoing declaration are true and correct.

DATED this 10th day of September, 2010.



Colby C. Nuttall